

Minutes of August 22, 2003 Meeting
Orange County Water District
10500 Ellis Avenue
Fountain Valley

1. Chair Beswick called the meeting to order at 9:00 a.m.

Board Members Present

Board Members Absent

Carole Beswick, Chair
Fred Ameri, Vice-Chair
Jose Solorio
Seymour Van Gundy
John Withers
Joan Dotson
William Ruh

Staff Members Present

Gerard J. Thibeault, Executive Officer
Kurt V. Berchtold, Assistant Executive Officer
Jorge León, OCC, Legal Counsel
Robert L. Holub, Supervising Water Resource Control Engineer
Michael J. Adackapara, Supervising Water Resource Control Engineer
Joanne E. Schneider, Environmental Program Manager
Jun Martinez, Chief, Regulations
Mark E. Smythe, Chief, Storm Water Coastal Waters
Barbara Laffoon, Executive Assistant

State Board Representative

There was none present.

Public Attendance

Michael Wellborn, County of Orange and CA Watershed Network
Brian Ragland, City of Tustin
Larry McKenney, County of Orange
Toby Moore, Southern California Water Company
Rod Cruze, City of Riverside
Joe Rosen, Tennis Estates
Don Schulz, Surfrider Foundation
Darrell A. Nolte
Bill Ault, City of Fountain Valley
Steven Halierwaas, City of Fountain Valley
George W. Muse, Jr., Metropolitan Water District of Southern California (MWD of SC)
Steve Smith, City of Orange
Joe Geever, Surfrider Foundation
Bob Von Schimmelmman, City of Orange
Joe Ames, City of Laguna Hills
Jim Colston, OCSD
Scot Scialei, The Irvine Company
Susan Broden, County of Orange
Mary Ellen Moschetti, Coral Cay
Renzo Marin, El Toro Water District
Mike Loving, City of Irvine
Mark Norton, SAWPA

Lance M. Natsuhura, County of Orange/PFRD
Tim Nguyen, County of Orange/PFRD
Don Schroeder, CDM
Jim Carlstedt, Bingham McCutcheon
Bob Caustin, Defend the Bay
Scott Goulart, Aerojet
Dipak Parekh, Silverado Constructors
Geraldine Lucas, City of Huntington Beach
Francis Logan, Law Offices of Susan M. Trager/City of Rialto
Mike Baloamo, Building Industry Association, Orange County
Shanda Beltran, Latham and Watkins
Michelle Lyman, Orange County CoastKeeper
Greg Woodside, OCWD
Randy Fuhrman
Brand Fowler, City of Westminster
Norris Brandt, Irvine Ranch Water District
Ruby Maldonado, County of Orange/PFRD
George Rudolph, Stormwater Management, Inc.
Evan McLemsey
Ian Adam, Fuscoe Engineering, Inc.
Lois Jeffrey, Cities of Tustin & Laguna Hills
Irwin Haydock
Patti Cox, Pcox Environmental

2. Public Forum

Michael Welborn outlined the activities of the California Watershed Forum and issued an invitation to the Board and staff to attend a forum scheduled for September 17 in Sacramento.

Darrell Nolta presented his study entitled "Orange County's Unhealthy Beaches: A Study of Failed Government Mitigation Efforts."

3. Approval of minutes of the Regular Meeting of July 1, 2003.

Action: It was moved by Member Solorio, seconded by Vice-Chair Ameri and unanimously approved that the Board approve the minutes of July 1, 2003, as presented.

4. Consideration of Consent Calendar Items.

Because speaker cards had been submitted for Item No. 6, it was removed from the consent agenda. Item No. 9 was postponed to the October 3, 2003 Board meeting. Item No. 8 had errata.

Action: It was moved by Member Ruh, seconded by Member Van Gundy and unanimously approved that the Board adopt Items No. 5, 7, 8 with errata, 10, 11, and 12 as presented.

*5. Waste Discharge Requirements, Serrano Water District Collins-Murdock Water Filtration Plant, Villa Park, (NPDES No. CA8000265), Order No. R8-2003-0056

*7. Reconsideration of Waste Discharge Requirements and Producer/User Water Requirements for Inland Empire Utilities Agency, Regional Water Recycling Plant No. 5, San Bernardino County, (NPDES No. CA8000402), Order No. R8-2003-0089

*8. Revised Waste Discharge Requirements for City of Corona Brine Ponds, Order No. R8-2003-0082

- *10. Amendment to Waste Discharge Requirements for the Eastern Transportation Corridor, Section 14, Denitrification Facility, Orange County, (NPDES No. CA8000390), Order No. R8-2003-0083
 - *11. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement Godwin Osifeso, 7985 Gardenia Avenue, Alta Loma, San Bernardino County.
 - *12. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement, Mead Valley Area Appeal — Laura Zambrano, 21919 Burch St., Perris, Riverside County (APN 315-151-009).
- *6. General Waste Discharge Requirements, Order No. R8-2003-0061 (NPDES NO. CAG998001)
- Jim Hyde, Irvine Ranch Water District, expressed concern with the limitations that would be imposed on the Executive Officer's discretion to reduce monitoring.
- George Muse, MWD of SC, voiced his support of the permit. Mr. Muse also complimented Board staff members Jun Martinez and Susan Beeson for their efforts in drafting this permit.
- Action: It was moved by Member Solorio, seconded by Member Dotson and unanimously approved that the Board adopt Order No. R8-2003-0061 with errata.
- *9. Amendment of General Waste Discharge Requirements, Order No. R8-2002-0007 (NPDES No. CAG918001) and Order No. R8-2002-0033, Order No. R8-2003-0085
- This item was postponed to the October 3, 2003 Board meeting.
13. Status of Santa Ana Region Interceptor (SARI) Potential Enforcement
- Joe Grindstaff, SAWPA, introduced the item and speakers Hardat Khublall (OCSD) and Richard Haller (SAWPA), who provided an update to the Board.
14. Status Report on Rialto-Colton-Fontana Perchlorate Investigation
- AEO Berchtold provided the Board with an update on the progress of investigation of perchlorate pollution. He described staff's efforts with Wong Chung Ming, owner of the American Promotional Events, Inc. West site, and the issuance of Investigation Orders. He also noted that an administrative civil liability complaint against Zambelli Fireworks that was scheduled to be heard at the August 22 meeting had been settled and removed from the agenda.
- Mr. Berchtold also noted that the Attorney General's office had filed a demurrer with the court in the Emhart Industries litigation, and that the matter is scheduled for hearing in Riverside on August 26, 2003. The Executive Officer issued an administrative civil liability complaint to Emhart Corporation on August 21, 2003, in the amount of \$269,000. The hearing is scheduled for the October 3, 2003 Board meeting.
- Steven Elie, representing West Valley Water District and Fontana Water Company, stated they were pleased with the administrative civil liability complaint issued to Emhart and wished it could have been more.
- Craig Moyer of Manatt Phelps & Phillips, representing Goodrich Corporation, stated that Goodrich Corporation was not happy with EPA's actions.
- Francis Logan, counsel representing the City of Rialto, addressed the work orders and administrative civil liability complaints issued by the Board. He stated that his office has provided the Regional Board with one staff member, to assist Board staff in preparing the administrative

records. EO Thibeault also noted that a staff member on loan from CalEPA is also working to accomplish these tasks.

15. Storm Water Quality Standards Task Force Agreement, Resolution No. R8-2003-0095

Environmental Program Manager Joanne Schneider presented the item. She noted that certain members of the Board had voiced concern that the original language in the proposed amendment to the Agreement, presented at the July Board meeting, could be viewed as prejudicial. Ms. Schneider explained that the revised amendment addressed this concern. The Board would be a voting member of the Task Force only as to further amendments to the agreement. Ms. Schneider explained further that the tentative Resolution would delegate to the Executive Officer all functions under the Agreement and the authority to consider further proposed amendments to the agreement.

Action: It was moved by Member Withers, seconded by Member Ruh, and unanimously approved that the Board adopt Resolution No. R8-2003-0095 as presented.

16. Vessel Waste Pump-out Program, Newport Bay and Huntington Harbour, Resolution No. R8-2003-0074

Information pertaining to this item is contained in a verbatim transcript.

Environmental Scientist Pavlova Vitale presented the item.

Garry Brown, Orange County CoastKeeper, urged the Board to adopt the Resolution.

Mary Ellen Moschetti, Coral Cay resident, voiced concern about the proposed requirement for installation of a pump-out facility at Coral Cay, given that the number of vessels occupying the available slips has consistently been less than staff's identified threshold. She asked that Coral Cay be removed from the list of sites requiring a pump-out station.

Randy Fuhrman, Vice-President of Huntington Harbour Home Owners Association, commended the Board for its action to address vessel sewage discharges. Joe Rosen, Tennis Estates Home Owners, expressed concern that all vessel terminals/home owners associations in Huntington Harbour had not been identified and that the recommendations for installation of pump-outs were thus not fair.

Action: It was moved by Member Ruh, seconded by Member Withers and unanimously approved that the Board adopt Resolution R8-2003-0074 with errata.

17. Public Hearing, Orange County Municipal Storm Water Permittees' Model Water Quality Management Plan (WQMP).

Information pertaining to this item is contained in a verbatim transcript.

Chair Beswick advised the public that this item would be continued to a special Board meeting but anyone wishing to address the item could do so.

Mark Smythe, Chief, Storm Water (Coastal Waters) Section, presented the item.

Speakers were:

Garry Brown, Orange County CoastKeeper (OCCCK)
Michelle Lyman, OCCCK Counsel
David Beckman, National Resource Defense Council
Bob Caustin, Defend the Bay

Joe Geever, Regional Manager of Surfrider Foundation
Larry McKenney, County of Orange
Chris Crompton, Orange County PFRD
Tim Carlsbedt, County of Orange
Brad Fowler, City of Westminster
George Rudolph, Stormwater Management, Inc.
Christine Iger
Irwin Haydock
Darrell Nolta

Action: It was moved by Member Ruh, seconded by Vice-Chair Ameri and unanimously approved that the Board continue this item to a special meeting at the Santa Ana Council Chambers on September 26.

Member Solorio noted that he would recuse himself because the City of Santa Ana is a co-permittee.

18. Administrative Civil Liability Complaint, Zambelli Fireworks Manufacturing Company, San Bernardino County Administrative Civil Liability Complaint No. R8-2003-0090

Executive Officer Thibeault advised that the liability had been paid and the discharger waived its right to a hearing. No further Board action was required.

19. Administrative Civil Liability Complaint, ExxonMobil Refining & Supply, Administrative Civil Liability Complaint No. R8-2003-0073

Executive Officer Thibeault advised that the liability had been paid and the discharger waived its right to a hearing. No further Board action was required.

20. Mandatory Minimum Penalty Complaint, Marco Velastegui, Mandatory Penalty Complaint No. R8-2003-0075

Executive Officer Thibeault advised that the liability had been paid and the discharger waived its right to a hearing. No further Board action was required.

21. Mandatory Minimum Penalty Complaint, BASF, Mandatory Penalty Complaint No. R8-2003- 0079

Executive Officer Thibeault advised that this item had been postponed.

22. Mandatory Minimum Penalty Complaint, Haagen Company, LLC, Mandatory Penalty Complaint No. R8-2003- 0087

Executive Officer Thibeault advised that the liability had been paid and the discharger waived its right to a hearing. No further Board action was required.

23. Mandatory Minimum Penalty Complaint, Bell Industries, Mandatory Penalty Complaint No. R8-2003- 0088

Executive Officer Thibeault advised that the liability had been paid and the discharger waived its right to a hearing. No further Board action was required.

24. Hazardous Waste and Sewage Spill Incident Report

Lists of such incidents was provided to the Regional Board.

25. Quarterly Violations Report

A list of violations will be provided to the Board as required by the State Water Resource Control Board's Water Quality Enforcement Policy.

26. General Permits

Staff provided a list of all new permittees recently enrolled under the Region's general permits.

27. Executive Officer's Report

There was none.

28. Regional Board Member Communications

Member Withers commented on the suggested topics for the upcoming October WQCC meeting in Sacramento. Members were invited to suggest topics and forward to Chair Beswick, who would compile and transmit to the persons responsible for creating the agenda.

29. Closed Session:

Counsel León cited the need and statute for closed session. The Board entered into closed session at 1:05 p.m.

30. Adjournment

The Board was adjourned to the special meeting of September 26, 2003, at 9:00 a.m., at the City Council Chambers of Santa Ana.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Gerard J. Thibault". The signature is stylized with a large, looped initial "G" and a cursive script for the rest of the name.

GERARD J. THIBEAULT
Executive Officer

/bjl